

Attorney Docket No. 3579.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gregory C. Loney

Serial No: 10/769,575

Filing Date: 1/29/2004

Title: System and Method for Calibration and Focusing a Scanner Instrument
Using Elements Associated with a

Biological Probe Array

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Examiner: Betty J. Forman

Group Art Unit: 1634

INFORMATION DISCLOSURE

**STATEMENT** 

## Dear Examiner Forman:

Pursuant to 37 CFR § 1.56, § 1.97 and § 1.98, the documents listed on the accompanying U.S. Patent & Trademark Office's Modified Form-1449 are called to the attention of the Examiner for consideration in connection with the above-identified patent application. According to MPEP §609 subsection III A(2), Applicants are not required to provide copies of U.S. patent documents for applications filed after June 30, 2003. Thus only copies of the non-US Patent Documents are enclosed herewith.

Citation of these documents shall not be construed as (1) an admission that the documents are necessarily prior art with respect to the instant invention; (2) a representation that a search has been made; or (3) an admission that the information cited herein is, or is considered to be, material to patentability in any way, including that as defined in § 1.56(b).

Applicants believe that <u>no fee is required</u> for submission of this statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Account No. 01-0431 in order to have this Information Disclosure Statement considered.

Dated: 9/17/2004

Respectfully submitted,

Customer No. 22886

Legal Department Affymetrix, Inc. 3380 Central Expressway Santa Clara, CA 95051

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Reg. No. 55,788

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/769,575 **TRANSMITTAL** 1/29/2004 Filing Date **FORM** First Named Inventor Gregory C. Loney (to be used for all correspondence after initial filing) Art Unit 1634 **Examiner Name** Betty J. Forman Total Number of Pages in This Submission 32 3579.1 Attorney Docket Number ENCLOSURES (check all that apply) After Allowance Communication to Fee Transmittal Form Drawing(s) Group Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Petition Appeal Communication to Group Amendment / Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Change of Correspondence Address Status Letter Terminal Disclaimer Other Enclosure(s) Extension of Time Request (please identify below): - Form 1449 (1 Page); Request for Refund - 1 Reference (28 Pages) Express Abandonment Request CD, Number of CD(s) \_\_\_\_\_ - Return Postcard. Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm William R. McCarthy, III Reg. No. 55,788 Individual name Signature 9/17/2004 Date CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450,

Alexandria, VA 22313-1450 on the date shown below. Typed or printed name William R. McCarthy III 9/17/2004 Signature Date This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to

process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/08a (08-03)

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

1 of Sheet 1

Complete if Known			
Application Number	10/769,575		
Filing Date	1/29/2004		
First Named Inventor	Gregory C. Loney		
Art Unit	1634		
Examiner Name	Betty J. Forman		
Attorney Docket Number	3579.1		

U.S. PATENT DOCUMENTS						
Examiner Cite Initials No.1		Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	No.1	Number - Kind Code <sup>2</sup> (if known)	MM-DD-YYYY			
	A1	US-6,090,555	07-18-2000	Peter Fiekowsky, et al.		
	A2	US- 6,537,801	03-25-2003	Michel Ida, et al.		
	A3	US- 6,591,196	07-08-2003	Zohar Yakhini, et al.		
	A4	US- 2002/0193962 A1	12-19-2002	Zohar Yakhini, et al.		
	A5	US- 2002/0195554 A1	12-26-2002	Kenneth L. Staton et al.		
	A6	US- 2003/0073896 A1	04-17-2003	Harry Zuzan, et al.		
	A7	US- 2003/0152255 A1	08-14-2003	Shigeki Kira et al.		
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'	FOREIGN PATENT DOCUMENTS					
Examiner Cite Initials* No.1	Cito	Foreign Patent Document	Publication	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> )	Date MM-DD-YYYY			
	B1	WO 03/100474 A2	04-12- 2003	Autogenomics, Inc.		
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Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.